

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, has tentatively rejected claims 1-25 and 40. After entry of the foregoing amendments, claims 1, 3-14, and 16-40 remain pending. Claims 2, 15, and 26-39 are canceled. Specifically, the substance of claims 2 and 15 have been incorporated into claims 1 and 14, respectively. In addition, claim 40 is amended to add the limitation of "forming a buffer oxide layer overlying the first layer". Support for the limitation can be found at least in Figure 1B and page 11, section [0023]. Accordingly, no new matter has been added to the application by these amendments.

In addition, the title of the invention has been amended to read "method for improving charge mobility of NMOS and PMOS devices". The new title is clearly indicative of the invention to which the claims are directed.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the foregoing amendments and following remarks.

Rejections Under 35 U.S.C 112

The Office Action rejected claims 2 and 15 under U.S.C 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejection is now moot, based on the cancellation of these claims.

Rejections Under 35 U.S.C 102(b) and 103(a)

Claims 1, 5-6, 10-12, 14, 18-19, 23-24, and 40 stand rejected under 35 U.S.C 102(b) as allegedly anticipated over Saitoh (U.S. Patent Appl. 2003/0040158 A1). Applicants have added the substantive features of claims 2 and 15 to independent claims 1 and 14, respectively. As the rejection was not applied against claims 2 and 15, Applicant submits that this ground of rejection is obviated by the amendment to independent claims 1 and 14. The rejection of claims 1 and 14 under 35 U.S.C 102(b) is now considered moot.

Additionally, amended claim 40 also recites the same limitation as in original claim 2 (i.e., forming a buffer oxide layer over the first dielectric layer). Accordingly, claim 40 clearly defines over Saitoh.

The Office Action also rejected claims 2-4, 7-9, 13, 15-17, 20-22, and 25 under 35 U.S.C 103(a) as allegedly unpatentable over Saitoh (U.S. Patent Appl. 2003/0040158 A1) in view of Huang et al. (U.S. Patent Appl. 2004/0104405 A1). However, Huang et al. (U.S. Patent Appl. 2004/0104405 A1) is not prior art under 35 U.S.C. 103 because the cited reference, and the claimed invention, were, at the time the invention was made, owned by the same person (Taiwan Semiconductor Manufacturing Company). In this regard, please refer the 35 U.S.C. § 103(c) statement set out below.

103(c) Statement

The present application (serial number 10/810,795) and U.S. published application 2004/0104405 A1 (Huang) were, at the time the invention of Application 10/810,795 was made, commonly owned by Taiwan Semiconductor Manufacturing Company, of Hsinchu, Taiwan.

As Huang et al. (U.S. Patent Appl. 2004/0104405 A1) is not prior art to the invention, the rejection under 35 U.S.C. § 103(c), which relies on this reference, should be withdrawn.

For at least the foregoing reasons, independent claims 1, 14, and 40 are in allowable condition. Insofar as claims 3~13 and 16~25 depend from claims 1 and 14, respectively, these claims are also allowable.

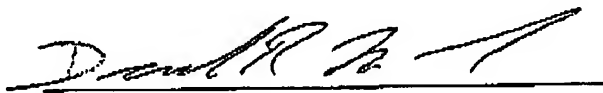
CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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